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PATENT

Case Docket No. DAIRY64.001APC

Date: February 21, 2003

Page 1

In re application of : Schlothauer et al.  
App. No. : 09/720,041  
Filed : April 2, 2001  
For : BIOACTIVE WHEY  
PROTEIN HYDROLYSATE  
Examiner : Francisco Prats  
Art Unit : 1645

) I hereby certify that this correspondence and all marked  
) attachments are being deposited with the United States  
) Postal Service as first class mail in an envelope addressed  
) to: United States Patent and Trademark Office, P.O. Box  
) 2327, Arlington, VA 22202, on

February 21, 2003

(Date)

Adeel S. Akhtar, Reg. No. 41,394

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Transmitted herewith is an amendment in the above-identified application.

(X) An extension of time to respond for one month is hereby requested.

Time Extension Fee:

(X) one month (\$110 large entity)

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	25	—	31	= 0 ×	\$18	= \$0
Independent Claims	2	—	3	= 0 ×	\$84	= \$0
If application has been amended to contain multiple dependent claim(s), then add					\$280	= \$0
Time Extension Fee						\$110
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$110

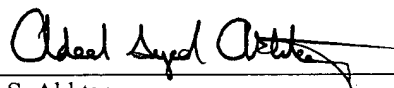
(X) Response to Office Action in 13 pages

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MAR 04 2003

TECH CENTER 1600/2900

- 
- (X) Return prepaid postcard.
  - (X) A check in the amount of \$110 for one month extension is enclosed.
  - (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.
  - (X) Please use Customer No. 20,995 for the correspondence address.



Adeel S. Akhtar  
Registration No. 41,394  
Attorney of Record  
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.

09/720,041

FIRST NAMED APPLICANT

SCHLOTHAUER R

ATTY. DOCKET NO.

DAIRY64.001a

INTERNATIONAL APPLICATION NO.

PCTNZ99/00084

I.A. FILING DATE

14 JUN 99

PRIORITY DATE

17 JUN 98

KNOBBE MARTENS OLSON & BEAR  
SIXTEENTH FLOOR  
620 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660

DATE MAILED:

10 AUG 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.  
☒ Copy of the international application. ☐ Translation of the international application into English.  
☒ Oath or Declaration of inventor(s). ☐ Translation of Article 19 amendments into English.  
☐ Copy of Article 19 amendments. ☐ Other:  
☒ Priority Document.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☒ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
— The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
— The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.  
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Anita D. Johnson

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3661

DOCKETED ON:	8-14-01
BY:	SN
REASON:	Resp to M/Pants & Notice to Comply
DATE:	October 10, 2001
REASON:	February 10, 2002
BY:	TFS / GRD



UNITED STATES

PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
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U.S. APPLICATION NO.

09/720,041

FIRST NAMED APPLICANT

SCHLOTHAUER R

ATTY. DOCKET NO.

DAIRY64.001A

INTERNATIONAL APPLICATION NO.

PCTNZ99/00084

I.A. FILING DATE

14 JUN 99

PRIORITY DATE

17 JUN 98

DATE MAILED:

10 AUG 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☒ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☐ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☒ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Anita D. Johnson

Telephone: 703-305-3661

FORM PCT/DO/EO/920 (March 2001)